



Applicant or Patentee: David J. Kyle  
Serial or Patent No.: \_\_\_\_\_ Attorney's Docket No. 1496-124A  
Filed or Issued: \_\_\_\_\_  
For: MICROBIAL OIL MIXTURES AND USES THEREOF

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below;  
☒ an official of the small business concern empowered to act on behalf of the concern identified below;

NAME OF CONCERN Martek Corporation  
ADDRESS OF CONCERN 6480 Dobbin Road, Columbia, MD 21045

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MICROBIAL OIL MIXTURES AND USES THEREOF by inventor(s) DAVID JOHN KYLE described in

☒ the specification filed herewith

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any application issuing thereon, or any patent to which this application is directed.

NAME OF PERSON SIGNING \_\_\_\_\_  
TITLE OF PERSON OTHER THAN OWNER Dr. Richard Radmer  
ADDRESS OF PERSON SIGNING President, Martek Corporation  
6480 Dobbin Road, Columbia, Maryland 21045

SIGNATURE \_\_\_\_\_

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought, on the invention entitled MICROBIAL OIL MIXTURES AND USES THEREOF, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).


No claim for foreign priority benefits under Title 35, United States Code, § 119 is made and no corresponding foreign applications for patent or inventor's certificate having a filing date before that of the present application have been filed.

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to ROTHWELL, FIGG, ERNST & KURZ, p.c., 1700 K Street, N.W., Washington, D.C 20006

G. Franklin Rothwell, Reg. No. 18,125  
E. Anthony Figg, Reg. No. 27,195  
Barbara G. Ernst, Reg. No. 30,377  
George R. Repper, Reg. No. 31,414  
Lawrence G. Norris, Reg. No. 18,034  
Eugene L. Bernard, Reg. No. 18,960  
Donald W. Marks, Reg. No. 24,218  
Bart G. Newland, Reg. No. 31,282  
William T. Enos, Reg. No. 33,128  
Vincent M. DeLuca, Reg. No. 32,408  
James L. Dooley, Reg. No. 17,710

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

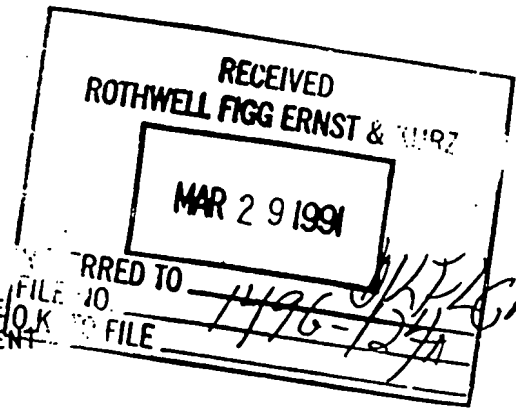
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| SOLE INVENTOR                                    | SIGNATURE   | DATE     |
|--|---|----------|
| DAVID JOHN KYLE                                  |  | 01/23/91 |
| RESIDENCE  | CITIZENSHIP   |          |
| 1801 Narbeth Road<br>Catonsville, Maryland 21228 | MD  | Canadian |
| POST OFFICE ADDRESS                              |   |          |



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

TO: ROTHWELL, FIGG, ERNST & KURZ  
1700 K STREET, N.W.  
WASHINGTON, DC 20006



UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF  
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS  
AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME  
NUMBER REFERENCED BELOW. A DIGEST OF THE DOCUMENT HAS ALSO BEEN MADE  
AND APPEARS IN THE OFFICE'S RECORDS AS SHOWN:

ASSIGNOR: 001 KYLE, DAVID J.

DOC DATE: 10/23/91

RECORDATION DATE: 01/24/91 NUMBER OF PAGES 002 REEL/FRAME 5585/0224

DIGEST: ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE: 501 MARTEK CORPORATION, 6480 DOBBIN RD., COLUMBIA, MD 21045 A  
CORP. OF MD

SERIAL NUMBER 7-645457 FILING DATE 01/24/91  
PATENT NUMBER ISSUE DATE 00/00/00

ASSIGNMENT

WHEREAS, I, DAVID JOHN KYLE, a citizen of Canada, residing at 1801 Narbeth Road, Catonsville, Maryland, 21228 am the inventor of an invention in MICROBIAL OIL MIXTURES AND USES THEREOF for which I have executed an application for Letters Patent of the United States, of even date herewith; and

WHEREAS, MARTEK CORPORATION, incorporated in the state of Maryland, with a place of business at 6480 Dobbin Road, Columbia, Maryland 21045 is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said DAVID JOHN KYLE have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said MARTEK CORPORATION, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said invention in any country or countries foreign to the United States, and all Letters Patent which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof and all rights of priority in any such country or countries based upon the filing of the said application for Letters Patent of the United States which are created by any law, treaty or international convention; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said invention to the said MARTEK CORPORATION, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to said MARTEK CORPORATION, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said MARTEK CORPORATION, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention in all countries.

In TESTIMONY WHEREOF, I hereunto set my hand and seal the day and year set opposite my respective signature.

Date January 23, 1991 David J. Kyle L.S.  
DAVID JOHN KYLE

RECEIVED JAN 27 1991

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JAN 24 91

# PATENT

**FOR: MICROBIAL OIL MIXTURES AND USES THEREOF**

DECLARATION OF DAVID J. KYLE

**Sir:**

**I, David J. Kyle, hereby declare:**

1. I am the sole inventor of the subject application, U.S. Application Serial No. 07/944,739, filed September 14, 1992, and an officer of the assignee, Martek Corporation.

2. The material found in the specification of U.S. Application Serial No. 07/479,135, at page 4, lines 6-8 represents the material which is incorporated by reference in the subject application at page 5, line 4, and inserted into the disclosure of the subject application by the Amendment accompanying this Declaration.

3. The material found in the specification of U.S. Application Serial No. 07/479,135, from page 4, line 31, to page 12, line 5, represents the material which is incorporated by reference in the subject application at page 5, line 2-4, and inserted into the disclosure of the subject application at page 7 line 10, by the Amendment accompanying this Declaration.

4. The material found in the specification of U.S. Application Serial No. 07/645,454, from page 7, line 1, to page 7, line 8, and page 7, line 11 to page 12, line 5, represents the material which is incorporated by reference in the subject application on page 5, lines 2-4, and

inserted into the disclosure of the subject application at page 7 line 21, by the Amendment accompanying this Declaration.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

July 2, 1994

David J. Kyle

David J. Kyle

Vice President of Nutritional Products

MARTEK BIOSCIENCES CORPORATION  
6480 Dobbin Road  
Columbia, Maryland 21045



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

KYLE, David J.

Serial Number 07/944,739  
(Which Is A Continuation of  
U.S. Serial No. 07/654,457)

Filed: September 14, 1992

)  
) Group Art Unit: 1205

)  
) Examiner: K. Jordan

)  
) Atty. Docket: 0311.46418

)  
)  
For: MICROBIAL OIL MIXTURES AND USES THEREOF

REVOCATION AND POWER OF ATTORNEY

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

The undersigned, Martek Biosciences Corporation, having a place of business at 6480 Dobbin Road, Columbia, Maryland 21045, being assignee of record of total interest in the above-identified application, hereby revokes any and all previous Powers of Attorney and appoints, both jointly and severally, as its attorneys with full power of substitution and revocation, to prosecute this application, to transact all business in the Patent and Trademark Office connected herewith, receive any Letters Patent and to take any and all other actions with regard to this application and any Letters Patent issuing thereon, the following attorneys, their registration numbers being listed after their names:

Donald W. Banner, Registration No. 17,037; Harold J. Birch, Registration No. 16,527; Edward F. McKie, Jr., Registration No. 17,335; William W. Beckett, Registration No. 18,262; Dale H. Hoscheit, Registration No. 19,090; Joseph M. Potenza, Registration No. 28,175; Alan I. Cantor, Registration No. 28,163; James A. Niegowski, Registration No. 28,331; Barry L. Grossman, Registration No. 30,844; Joseph M. Skerpon, Registration No. 29,864; Thomas L. Peterson, Registration No. 30,969; Nina L. Medlock, Registration No. 29,673; William J. Fisher, Registration No. 32,133; Thomas H. Jackson, Registration No. 29,808;



Sarah A. Kagan, Registration No. 32,141; and Laurence H. Posorske, Registration No. 34,698.

All correspondence and telephone communications should be addressed to BANNER, BIRCH, McKIE & BECKETT, whose address is: 1001 G Street, N.W., Washington, D.C. 20001-4597, and telephone number (202) 508-9100.

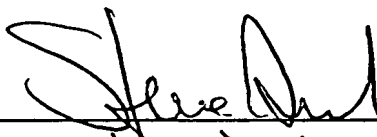
Martek Biosciences Corporation certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 5585, Frame 0224.

Undersigned, having reviewed the evidentiary documents, including the assignment identified above, certifies that to the best of undersign's knowledge and belief, title is in the assignee identified below.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 16, 1994

By:   
Name: Steve Dubin  
Title: Secretary

MARTEK BIOSCIENCES CORPORATION  
6480 Dobbin Road  
Columbia, Maryland 21045